

1 REMARKS

2 Previously, on September 6, 2005, the Applicant filed a response to the Office Action
3 dated May 3, 2005, which was a final rejection of the claims. The Examiner refused to enter the
4 amendments filed in the September 6, 2005 because they raised new issues that would require further
5 consideration or search. The Applicant is re-filing the amendments previously provided in the
6 September 6, 2005 response as part of a Request for Continued Examination (RCE). The Applicant
7 respectfully requests consideration of the enclosed amendments. The Applicant is putting together
8 declarations from persons in the industry that Applicant believes will support his position that the claims
9 are not obvious in light of the cited prior art. If the Examiner is inclined to reject the presently amended
10 claims based on this prior art, Applicant respectfully requests an opportunity to present the above-
11 referenced declarations to the Examiner to further support the patentability of the pending claims.

12 In the previous Office Action, the Examiner objected to the claims as not showing the
13 "concave" bottom in claims 9, 10 and 18. The Examiner objected to claim informalities in claims 1, 13
14 and 18 due to the Applicant's use of the term "near". The Examiner rejected claims 1, 7-11, 13, 16, 18
15 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Evert (U.S. Patent No. 1,631,802) in view
16 of Staas (U.S. Patent No. 6,047,499). The Examiner rejected claims 3-6, 14, 15 and 19 under 35 U.S.C.
17 § 103(a) as being unpatentable over Evert in view of Staas as applied to claims 1, 11, 13 and 18 above,
18 and further in view of Gibson (U.S. Patent No. 117,766). The Examiner rejected claims 12, 17 and 21
19 under 35 U.S.C. § 103(a) as being unpatentable over Evert in view of Staas as applied to claims 1, 11, 13
20 and 18 above, and further in view of Yaws (U.S. Patent No. 2,989,205). In response, the Applicant has
21 amended the claims as suggested by the Examiner. The Applicant believes the amendments made in
22 response to the Examiner's rejections have placed the application in position for allowance.

23
24 Drawings

25 Applicant is cancelling claims 9 and 10, and amending claim 18 to remove the "concave"
26 language. No new drawings are submitted with this amendment.

27 RESPONSE/AMENDMENT

Appl. # 10/656,714

1 Amendments to the Claims

2 1) Claims 1, 13 and 18:

3 Applicant has amended claims 1, 13 and 18, the independent claims to positively claim
4 the combination of a drainage tray and a plant pot and to identify the base member drainage orifice being
5 at the intersection of the bottom and one of the one or more side walls. In addition, as to claim 18, the
6 Applicant has amended claim 18 to remove the concave bottom description and rewrite that portion of
7 the claim to correspond with claims 1 and 13.

8 2) Claims 9 and 10:

9 Applicant is cancelling claims 9 and 10.

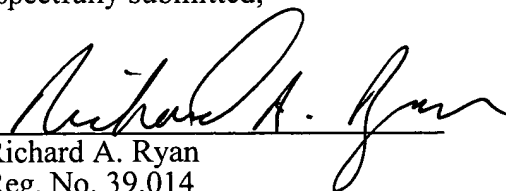
10 In light of the above amendments, Applicant respectfully requests the Examiner to
11 withdraw the rejection of the claims presently pending in the subject patent application.

12 Applicant's original application included fees for three independent claims and a total of
13 twenty claims. No claims are being added and none are being deleted, therefore, no additional fees for
14 claims are believed due.

15 In view of the foregoing, it is submitted that this application is in condition for allowance.
16 Reconsideration of the rejections and objections in light of this Amendment is requested. Applicant
17 believes that the amended claims are in condition for allowance. Allowance of claims 1 and 3-21 is
18 respectfully solicited.

19 Dated: November 3, 2005

Respectfully submitted,

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